

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SEAN ESCHELBACH,

Plaintiff

Case No. 2:24-cv-01273-GMN-MDC

ORDER

v.

NDOC, et al.,

Defendants

I. DISCUSSION

On January 22, 2025, the Court filed a screening order and ordered Plaintiff to file an amended complaint curing the deficiencies of the Complaint. (ECF No. 3 at 8–9.) If he chooses not to file an amended complaint, this action will proceed immediately on his Eighth Amendment excessive force claim against Defendants Martinez and Garcia and his First Amendment retaliation claim against Defendants Martinez and Garcia.

However, according to the Nevada Department of Corrections (“NDOC”) inmate database, Plaintiff is no longer incarcerated. However, Plaintiff has not filed an updated address with this Court. The Court notes that pursuant to Nevada Local Rule of Practice IA 3-1, a “pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. The notification must include proof of service on each opposing party or the party’s attorney. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” Nev. Loc. R. IA 3-1. This Court grants Plaintiff until **February 21, 2025**, to file his updated address with this Court. If Plaintiff does not update the Court with his current address by **February 21, 2025**, this case will be subject to dismissal without prejudice.

Additionally, the Court denies the application to proceed *in forma pauperis* for prisoners (ECF No. 1) as moot because Plaintiff is no longer incarcerated. The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner

1 by **February 21, 2025**, pay the full filing fee of \$405.

2 **II. CONCLUSION**

3 For the foregoing reasons, it is ordered that Plaintiff will file an updated address
4 with the Clerk of the Court by **February 21, 2025**.

5 It is further ordered that Plaintiff's application to proceed *in forma pauperis* for
6 prisoners (ECF No. 1) is denied as moot.

7 It is further ordered that the Clerk of the Court will send Plaintiff the approved form
8 application to proceed *in forma pauperis* by a non-prisoner, as well as the document
9 entitled information and instructions for filing an *in forma pauperis* application.

10 It is further ordered that by **February 21, 2025**, Plaintiff will either: (1) file a fully
11 complete application to proceed *in forma pauperis* for non-prisoners; or (2) pay the full
12 filing fee of \$405.

13 It is further ordered that, if Plaintiff fails to timely comply with this order, this case
14 will be subject to dismissal without prejudice.

15 DATED THIS 29th day of January 2025.

16
17 
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28